

Memorandum 2017-48

California Public Records Act Clean-Up: Revised Tentative Outline

Attached for Commissioners and other interested persons to review is a draft of a *revised* tentative outline for nonsubstantive recodification of the California Public Records Act (“CPRA,” currently codified as Government Code Sections 6250-6276.48). This draft differs in a number of respects from the tentative outline that the Commission considered at the August meeting (hereafter, “the original outline”).¹ The differences are described below.

HEADING OF CHAPTER 10 OF PART 5

The original outline includes the following heading:

Chapter 10. Personal Information

Among the provisions tentatively included in “Chapter 10. Personal Information” is Government Code Section 6254.16, which provides:

6254.16. Nothing in this chapter shall be construed to require the disclosure of the name, credit history, utility usage data, home address, or telephone number of utility customers of local agencies, except that disclosure of name, utility usage data, and the home address of utility customers of local agencies shall be made available upon request as follows:

- (a) To an agent or authorized family member of the person to whom the information pertains.
- (b) To an officer or employee of another governmental agency when necessary for the performance of its official duties.
- (c) Upon court order or the request of a law enforcement agency relative to an ongoing investigation.

1. The original outline is attached to Memorandum 2017-24.

Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

(d) Upon determination by the local agency that the utility customer who is the subject of the request has used utility services in a manner inconsistent with applicable local utility usage policies.

(e) Upon determination by the local agency that the utility customer who is the subject of the request is an elected or appointed official with authority to determine the utility usage policies of the local agency, provided that the home address of an appointed official shall not be disclosed without his or her consent.

(f) Upon determination by the local agency that the public interest in disclosure of the information clearly outweighs the public interest in nondisclosure.

At the August meeting, Nikki Moore (California News Publishers Ass'n) pointed out that this section applies to both residential and commercial customers, so its substance may not belong in a new chapter entitled "Personal Information."² The Commission directed the staff to look into this point and bring it back to the Commission for further consideration.³

Having reflected on the matter, the staff concluded that the heading "Chapter 10. Personal Information" may be overly narrow. In the revised tentative outline, we changed it to "Chapter 10. Personal Information and Customer Records."⁴

Commissioners and other interested persons should consider whether this is the best solution to the problem identified by Ms. Moore.

HEADING OF CHAPTER 3 OF PART 5

The original outline includes the following heading:

Chapter 3. Environmental Protection

Among the provisions tentatively included in "Chapter 3. Environmental Protection" is Government Code Section 6254.7. Most of that section relates to pollution, but subdivision (c) provides:

(c) All records of notices and orders directed to the owner of any building of violations of housing or building codes, ordinances, statutes, or regulations which constitute violations of standards provided in Section 1941.1 of the Civil Code, and records of subsequent action with respect to those notices and orders, are public records.

2. *Draft Minutes* (Aug. 2017), p. 6.

3. *Id.*

4. See Attachment p. 9.

To understand this subdivision, it is necessary to examine the “standards provided in Section 1941.1 of the Civil Code,” which are:

1941.1. (a) A dwelling shall be deemed untenable for purposes of Section 1941 if it substantially lacks any of the following affirmative standard characteristics or is a residential unit described in Section 17920.3 or 17920.10 of the Health and Safety Code:

(1) Effective waterproofing and weather protection of roof and exterior walls, including unbroken windows and doors.

(2) Plumbing or gas facilities that conformed to applicable law in effect at the time of installation, maintained in good working order.

(3) A water supply approved under applicable law that is under the control of the tenant, capable of producing hot and cold running water, or a system that is under the control of the landlord, that produces hot and cold running water, furnished to appropriate fixtures, and connected to a sewage disposal system approved under applicable law.

(4) Heating facilities that conformed with applicable law at the time of installation, maintained in good working order.

(5) Electrical lighting, with wiring and electrical equipment that conformed with applicable law at the time of installation, maintained in good working order.

(6) Building, grounds, and appurtenances at the time of the commencement of the lease or rental agreement, and all areas under control of the landlord, kept in every part clean, sanitary, and free from all accumulations of debris, filth, rubbish, garbage, rodents, and vermin.

(7) An adequate number of appropriate receptacles for garbage and rubbish, in clean condition and good repair at the time of the commencement of the lease or rental agreement, with the landlord providing appropriate serviceable receptacles thereafter and being responsible for the clean condition and good repair of the receptacles under his or her control.

(8) Floors, stairways, and railings maintained in good repair.

(9) A locking mail receptacle for each residential unit in a residential hotel, as required by Section 17958.3 of the Health and Safety Code. This subdivision shall become operative on July 1, 2008.

(b) Nothing in this section shall be interpreted to prohibit a tenant or owner of rental properties from qualifying for a utility energy savings assistance program, or any other program assistance, for heating or hot water system repairs or replacement, or a combination of heating and hot water system repairs or replacements, that would achieve energy savings.

These are basic building standards and safety requirements. People might not expect to find records relating to them under the heading “Environmental Protection.”

To address this problem, the staff changed the heading to: “Chapter 3. Environmental Protection, Building Standards, and Safety Requirements.”⁵ **Is that change acceptable to the Commission?**

CATCHALL EXEMPTION

Government Code Section 6255 provides:

6255. (a) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

(b) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.

The original outline places the entire substance of this section in proposed “Part 3. Inspection Procedures.”

At the August meeting, Ms. Moore suggested placing Section 6255’s catchall exemption — i.e., the substance of Section 6255(a) — elsewhere.⁶ The Commission directed the staff to look into this point and bring it back to the Commission for further consideration.⁷

Having reflected on the point, the staff revised the outline as follows:

- We changed the title of “Part 2. Disclosure Generally” to “Part 2. Disclosure *and Exemptions* Generally.”⁸
- We added a new chapter at the end of Part 2, entitled “General Rules Governing Exemptions from Disclosure.” That chapter would be divided into two articles, as follows:
 - **Article 1. Justification for Withholding of Record**
(to contain the substance of Gov’t Code § 6255(a) (the catchall exemption)).
 - **Article 2. Truncation of Social Security Numbers and Related Matters**

5. See Attachment p. 7.

6. *Draft Minutes* (Aug. 2017), p. 7.

7. *Id.*

8. See Attachment p. 4.

(previously located under “Chapter 2. General Rules Governing Disclosure,” this article would contain the rules relating to redaction of social security numbers — i.e., the substance of Gov’t Code §§ 6254.27, 6254.28, 6254.29)⁹

Is this approach acceptable to the Commission? Does anyone have a better suggestion?

OTHER REVISIONS

The staff also made the following revisions in preparing the attached new outline:

- As the Commission directed in August,¹⁰ we shortened the heading of Part 4 from “Enforcement of the Right to Inspect or Receive a Public Record” to “Enforcement.”¹¹
- At the August meeting, the Commission decided that the CPRA recodification should include statutory language that is similar to Penal Code Sections 16020 and 16025, but “specifically refers to Attorney General opinions interpreting the CPRA or determining its constitutionality.”¹² Consistent with that decision, we added such language to the list of material to include in “Article 2. Effect of Recodification.”¹³
- In the original outline, the heading of Article 3 of Chapter 1 of Part 1 is “Effect of Chapter.” Because the CPRA would be recodified in a new division, not in a new chapter, the heading of Article 3 should instead be “Effect of Division.” We made that correction.¹⁴
- Chapter 2 of Part 1 will consist of definitions, in alphabetical order. For drafting purposes, it would be helpful to include a definition of “former Section 6254 provisions.” See Memorandum 2017-49, Attachment pp. 6-7 (proposed Section 7920.500 & Comment & Staff Notes). We added such a definition to the list of material to include in Chapter 2 of Part 1.
- In “Part 5. Specific Types of Public Records,” the original outline includes both “Chapter 4. Financial Records” and “Chapter 19. Tax Records.” Because tax records are a particular type of financial record and only one short provision in the CPRA specifically

9. See Attachment p. 5.

10. *Draft Minutes* (Aug. 2017), p. 7.

11. See Attachment p. 6.

12. *Draft Minutes* (Aug. 2017), p. 6.

13. See Attachment p. 2.

14. See Attachment p. 2.

addresses tax records,¹⁵ we combined these chapters into one entitled “Chapter 4. Financial Records and Tax Records.”¹⁶

- In the original outline, the heading of Chapter 9 of Part 5 is “Miscellaneous Disclosure Requirements.” That was a mistake; the staff did not intend to limit that chapter to disclosure requirements. To parallel the broad scope of the other chapters in “Part 5. Specific Types of Public Records,” we changed the heading of Chapter 9 to “Miscellaneous Public Records.”¹⁷
- In the original outline, the heading of Chapter 16 of Part 5 is “Regulation of Financial Institutions and Issuance of Securities.” To afford greater flexibility to accommodate future statutory reforms, we changed that heading to “Regulation of Financial Institutions and Securities.”¹⁸

At the upcoming meeting, the staff does not plan to discuss the revisions described in the above bulletpoints. Other persons are welcome to do so if they have concerns about one or more of those revisions.

FURTHER INPUT

The revised tentative outline attached to this memorandum is a work in progress. The Commission is looking for the best way to reorganize the CPRA in a user-friendly manner, without making any substantive change.

The Commission encourages interested persons to review the current draft and consider whether there are means to further improve it. Written comments may be emailed to <scohen@clrc.ca.gov> or <bgaal@clrc.ca.gov>. The Commission will also accept written comments at the upcoming meeting. Members of the public will have an opportunity to participate in the discussion, subject to time constraints or other instructions from the Chair.

Respectfully submitted,

Barbara Gaal
Chief Deputy Counsel

15. See Gov’t Code § 6254(j).

16. See Attachment p. 7.

17. See Attachment p. 9.

18. See Attachment p. 11.

CPRA RECODIFICATION: *REVISED* TENTATIVE OUTLINE

This is a tentative outline for recodification of the CPRA. This outline tentatively proposes to create a new division (Division 10 (commencing with Section 7920.000)) in “Title 1. General” of the Government Code. The new division would be organized along the following lines, with details shown on the pages indicated:

Contents

	<i>Page</i>
DIVISION 10. INSPECTION OF PUBLIC RECORDS	2
PART 1. GENERAL PROVISIONS	2
CHAPTER 1. PRELIMINARY PROVISIONS	2
CHAPTER 2. DEFINITIONS	2
PART 2. DISCLOSURE AND EXEMPTIONS GENERALLY	4
CHAPTER 1. RIGHT TO INSPECT PUBLIC RECORDS	4
CHAPTER 2. GENERAL RULES GOVERNING DISCLOSURE	4
CHAPTER 3. GENERAL RULES GOVERNING EXEMPTIONS FROM DISCLOSURE	5
PART 3. INSPECTION PROCEDURES	5
PART 4. ENFORCEMENT	6
PART 5. SPECIFIC TYPES OF PUBLIC RECORDS	6
CHAPTER 1. CRIMES, WEAPONS, AND LAW ENFORCEMENT	6
CHAPTER 2. ELECTION MATERIALS AND PETITIONS	7
CHAPTER 3. ENVIRONMENTAL PROTECTION, BUILDING STANDARDS, AND SAFETY REQUIREMENTS	7
CHAPTER 4. FINANCIAL RECORDS AND TAX RECORDS	7
CHAPTER 5. HEALTH CARE	8
CHAPTER 6. HISTORICALLY OR CULTURALLY SIGNIFICANT RECORDS	8
CHAPTER 7. LIBRARY RECORDS	9
CHAPTER 8. LITIGATION RECORDS	9
CHAPTER 9. MISCELLANEOUS PUBLIC RECORDS	9
CHAPTER 10. PERSONAL INFORMATION AND CUSTOMER RECORDS	9
CHAPTER 11. PRELIMINARY DRAFTS AND SIMILAR MATERIALS	9
CHAPTER 12. PRIVATE INDUSTRY	10
CHAPTER 13. PRIVATE RECORDS, PRIVILEGED MATERIALS, AND OTHER RECORDS PROTECTED BY LAW FROM DISCLOSURE	10
CHAPTER 14. PUBLIC EMPLOYEE OR OFFICIAL	10
CHAPTER 15. PUBLIC ENTITY SPENDING, FINANCES, AND OVERSIGHT	11
CHAPTER 16. REGULATION OF FINANCIAL INSTITUTIONS AND SECURITIES	11
CHAPTER 17. SECURITY MEASURES AND RELATED MATTERS	11
CHAPTER 18. STATE COMPENSATION INSURANCE FUND	11
CHAPTER 19. TEST MATERIALS, TEST RESULTS, AND RELATED MATTERS	12
PART 6. OTHER EXEMPTIONS FROM DISCLOSURE	12

DIVISION 10. INSPECTION OF PUBLIC RECORDS

PART 1. GENERAL PROVISIONS

CHAPTER 1. PRELIMINARY PROVISIONS

Article 1. Short Title

Material to include:

- The substance of Gov't Code § 6251 (short title)
- A provision modeled on Penal Code § 16000 (Deadly Weapons Recodification Act of 2010)

Article 2. Effect of Recodification

Material to include:

- A provision modeled on Penal Code § 16005 (nonsubstantive reform)
- A provision modeled on Penal Code § 16010 (continuation of existing law)
- A provision modeled on Penal Code § 16020 (judicial decision interpreting former law)
- A provision similar to Penal Code § 16020, but pertaining to Attorney General opinions instead of judicial decisions
- A provision modeled on Penal Code § 16025 (constitutionality), but pertaining to both judicial decisions and Attorney General opinions

Article 3. Effect of Division

Material to include:

- The substance of Gov't Code § 6260 (effect of chapter)

CHAPTER 2. DEFINITIONS

Material to include (with definitions arranged alphabetically):

- A provision defining the term “former Section 6254 provisions,” to be modeled on Penal Code §§ 16575 (“former Article 4 of Chapter 1 provisions”), 16580 (“former Chapter 1 provisions”), 16585 (“former Section 12078 provisions”)
- The substance of Gov't Code § 6252(a) (“local agency”)
- The substance of Gov't Code § 6252(b) (“member of the public”)
- The substance of Gov't Code § 6252 (c) (“person”)
- The substance of Gov't Code § 6252(d) (“public agency”)
- The substance of Gov't Code § 6252(e) (“public records”)
- The substance of Gov't Code § 6252(f) (“state agency”)
- The substance of Gov't Code § 6252(g) (“writing”)

Material to include (cont'd):

The substance of Gov't Code § 6254.24 ("public safety official")

Other material to consider including:

The substance of Gov't Code § 6253(c), 5th sentence (definition of "unusual circumstances" for purposes of § 6253)

The substance of Gov't Code § 6253.5(a) (definition of "petition" for purposes of § 6253.5)

The substance of Gov't Code § 6253.5(b) (definition of "proponents of the petition" for purposes of § 6253.5)

The substance of the second sentence of Gov't Code § 6254(f)(2)(B) (definition of "immediate family" for purposes of § 6254(f))

The substance of the second and third sentences of Gov't Code § 6254(ab) (definition of "voluntarily submitted" for purposes of § 6254(ab))

The substance of Gov't Code § 6254(ad)(7)(F) (definition of "fully executed" for purposes of § 6254(ad)(7))

The substance of Gov't Code § 6254.2(f) (definition of "trade secret")

The substance of the second sentence of Gov't Code § 6254.5 (definition of "agency" for purposes of § 6254.5)

The substance of Gov't Code § 6254.4(b) (definition of "home address" for purposes of § 6254.4)

The substance of the second sentence of Gov't Code § 6254.7(d) (definition of "trade secrets" for purposes of § 6254.7)

The substance of Gov't Code § 6254.9 (definition of "computer software" for purposes of § 6254.9)

The substance of Gov't Code § 6254.18(b) (definitions of "contractor," "personal information," "public agency," and "reproductive health services facility" for purposes of § 6254.18)

The substance of Gov't Code § 6254.21(c)(1)(E) (definitions of "publicly post" and "publicly display" for purposes of § 6254.21(c)(1))

The substance of Gov't Code § 6254.21(f) (definition of "elected or appointed official" for purposes of § 6254.21)

The substance of Gov't Code § 6254.26(c) (definitions of "alternative investment," "alternative investment vehicle," "portfolio positions," and "public investment fund" for purposes of § 6254.26)

The substance of the last four paragraphs of Gov't Code § 6267 (definition of "patron use records" for purposes of § 6267)

The substance of Gov't Code § 6270.5(c) (definitions of "enterprise system" and "system of record" for purposes of § 6270.5)

PART 2. DISCLOSURE AND EXEMPTIONS
GENERALLY

CHAPTER 1. RIGHT TO INSPECT PUBLIC RECORDS

Material to include:

- The substance of Gov't Code § 6250 (legislative finding and declaration)
- The substance of the first sentence of Gov't Code § 6253(a) (unless exception applies, public records are open to inspection by any person during agency hours)
- The substance of Gov't Code § 6253.3 (prohibition against control of disclosure by third party)
- The substance of Gov't Code § 6270 (prohibition on providing record to private entity in manner that prevents agency from directly disclosing that record)

CHAPTER 2. GENERAL RULES GOVERNING DISCLOSURE

Article 1. Nondiscrimination

Material to include:

- The substance of Gov't Code § 6252.5 (access by elected member or officer of agency)
- The substance of Gov't Code § 6252.7 (nondiscrimination by local agency in disclosure to members of local legislative body)
- The substance of Gov't Code § 6257.5 (prohibition on limitation of access based on purpose of request)

Article 2. Voluntary Disclosure

Material to include:

- The substance of Gov't Code § 6254, 2d-to-last ¶ (voluntary disclosure by agency)
- The substance of Gov't Code § 6254.5 (waiver of exemption based on disclosure), except possibly the definition of "agency"

Article 3. Disclosure to District Attorney and Related Matters

Material to include:

- The substance of Gov't Code § 6263 (inspection or copying of record by district attorney)
- The substance of Gov't Code § 6264 (judicial action by district attorney)
- The substance of Gov't Code § 6265 (effect of disclosure to district attorney)

Other material to consider including:

The substance of Gov't Code § 6262 (disclosure of licensing records to district attorney). Currently propose to place this in "Chapter 1. Crimes, Weapons, and Law Enforcement" of "Part 5. Specific Types of Public Records."

CHAPTER 3. GENERAL RULES GOVERNING EXEMPTIONS FROM
DISCLOSURE

Article 1. Justification for Withholding of Record

Material to include:

The substance of Gov't Code § 6255(a) (justification for withholding of record; often referred to as the CPRA catchall provision)

Article 2. Truncation of Social Security Numbers and
Related Matters

Material to include:

The substance of Gov't Code § 6254.27 (SSN truncation program)

The substance of Gov't Code § 6254.28 (truncation of SSN with regard to secured transaction)

The substance of Gov't Code § 6254.29 (redaction of SSN by local agency)

PART 3. INSPECTION PROCEDURES

Material to include (may divide into several chapters and articles):

The substance of Gov't Code § 6253(a), 2d sentence (right to inspect after redaction of exempted material)

The substance of Gov't Code § 6253(b) (disclosure on request and payment of fee)

The substance of the 1st-5th sentences of Gov't Code § 6253(c) (timing of disclosure), except possibly the definition of "unusual circumstances"

The substance of Gov't Code § 6253(d)-(f) (further details regarding inspection procedures)

The substance of Gov't Code § 6253.1 (duties of agency upon request for access to public record)

The substance of Gov't Code § 6253.4 (agency regulations governing access to records)

The substance of Gov't Code § 6253.9 (information in electronic format)

The substance of Gov't Code § 6253.10 (formatting of public record on Internet Resource maintained by local agency)

The substance of Gov't Code § 6255(b) (procedure for withholding of record)

Material to include (cont'd):

The substance of Gov't Code § 6270.5 (catalog of enterprise systems), except possibly the definitions of "enterprise system" and "system of record"

PART 4. ENFORCEMENT

Material to include (may divide into several chapters and articles):

The substance of Gov't Code § 6258 (judicial proceeding for enforcement of right to inspect or receive record)

The substance of Gov't Code § 6259 (procedure for petition alleging improper withholding of public record)

PART 5. SPECIFIC TYPES OF PUBLIC RECORDS

 **Note.** The chapters within Part 5 would be arranged alphabetically, as shown below.

CHAPTER 1. CRIMES, WEAPONS, AND LAW ENFORCEMENT

Material to include (may divide into several articles):

The substance of Gov't Code § 6254(f) (law enforcement records), except possibly the definition of "immediate family"

The substance of Gov't Code § 6254(u)(1) (firearm license application indicating vulnerability to attack or revealing medical or psychological history)

The substance of Gov't Code § 6254(u)(2) (address or phone number of prosecutor, public defender, peace officer, judge, court commissioner, or magistrate in application to carry firearm)

The substance of Gov't Code § 6254(u)(3) (address or phone number of prosecutor, public defender, peace officer, judge, court commissioner, or magistrate in license to carry firearm)

The substance of Gov't Code § 6254(z) (records relating to 911 call)

The substance of Gov't Code § 6254.17 (records of California Victim Compensation Board relating to requests for assistance)

The substance of Gov't Code § 6254.30 (demand by law enforcement agency for information from victim as prerequisite to record access)

The substance of Gov't Code § 6262 (disclosure of licensing records to district attorney). Might instead place this material in "Article 4. Disclosure to District Attorney and Related Matters" of "Part 2. Disclosure Generally."

CHAPTER 2. ELECTION MATERIALS AND PETITIONS

Material to include (may divide into several articles):

The substance of Gov't Code § 6253.5 (access to initiative, referendum, and other specified petitions and supporting memoranda), except possibly the definitions of "petition" and "proponents of petition"

The substance of Gov't Code § 6253.6 (information identifying requestors of bilingual ballot or ballot pamphlet)

The substance of Gov't Code § 6254.4 (voter registration information), except possibly the definition of "home address"

CHAPTER 3. ENVIRONMENTAL PROTECTION, BUILDING STANDARDS, AND SAFETY REQUIREMENTS

Material to include (may divide into several articles):

The substance of Gov't Code § 6253.8 (display of agency's final enforcement orders on website)

The substance of Gov't Code § 6254(o) (applications for financing under California Pollution Control Financing Authority Act)

The substance of Gov't Code § 6254.2 (pesticide information), except possibly the definition of "trade secret"

The substance of Gov't Code § 6254.7 (pollution information), except possibly the definition of "trade secrets"

The substance of Gov't Code § 6254.11 (specified information acquired by air pollution control officer)

CHAPTER 4. FINANCIAL RECORDS AND TAX RECORDS

Material to include:

The substance of Gov't Code § 6254(i) (confidential taxpayer information required in collection of local taxes)

The substance of Gov't Code § 6254(n) (personal financial records required by licensing agency)

The substance of Gov't Code § 6254(x) (financial data relating to service contractor)

CHAPTER 5. HEALTH CARE

Material to include (may divide into several articles):

The substance of *both versions* of Gov't Code § 6253.2 (information relating to providers of in-home supportive services or personal care services)

The substance of Gov't Code § 6254(q) (records relating to selective provider contracts or certain other health care contracts)

The substance of Gov't Code § 6254(s) (report of Joint Commission on Accreditation of Hospitals)

The substance of Gov't Code § 6254(t) (local or municipal hospital records relating to contract with insurer or nonprofit hospital service plan for patient services for alternative rates)

The substance of Gov't Code § 6254(v) (specified records of Managed Risk Medical Insurance Board and State Dep't of Health Care Services relating to high risk programs)

The substance of Gov't Code § 6254(w) (specified records of Managed Risk Medical Insurance Board relating to small employer health insurance)

The substance of Gov't Code § 6254(y) (specified records of Managed Risk Medical Insurance Board and State Department of Health Care Services relating to family health care)

The substance of Gov't Code § 6254(ac) (records relating to registration in Advance Health Care Directive Registry)

The substance of the last paragraph of Gov't Code § 6254 (disclosure of relevant financing information by health facility to certified bargaining agent)

The substance of Gov't Code § 6254.14 (information relating to contracts for health care services)

The substance of Gov't Code § 6254.18 (personal information in record relating to reproductive health services facility), except possibly the definitions of "contractor," "personal information," "public agency," and "reproductive health services facility"

The substance of Gov't Code § 6254.22 (specified health plan records)

CHAPTER 6. HISTORICALLY OR CULTURALLY SIGNIFICANT RECORDS

Material to include:

The substance of Gov't Code § 6254(r) (records of Native American sacred, historical, or culturally significant places)

The substance of Gov't Code § 6254.10 (archaeological site information)

CHAPTER 7. LIBRARY RECORDS

Material to include:

- The substance of Gov't Code § 6254(j) (library circulation records)
- The substance of Gov't Code § 6267 (patron use records of publicly-supported library), except possibly the definition of "patron use records"

CHAPTER 8. LITIGATION RECORDS

Material to include:

- The substance of Gov't Code § 6254(b) (records relating to pending litigation)
- The substance of Gov't Code § 6254.25 (litigation memoranda)

CHAPTER 9. MISCELLANEOUS PUBLIC RECORDS

Material to include:

- The substance of Gov't Code § 6254(e) (confidential information relating to utility systems development, or market or crop reports)
- The substance of Gov't Code § 6254.9 (software developed by agency), except possibly the definition of "computer software"

CHAPTER 10. PERSONAL INFORMATION AND CUSTOMER RECORDS

Material to include:

- The substance of Gov't Code § 6252.6 (information relating to deceased minor foster child)
- The substance of Gov't Code § 6254.1(a)-(b) (personal information governed by other statutes)
- The substance of Gov't Code § 6254.16 (information about local agency utility customers)
- The substance of Gov't Code § 6254.20 (personal information electronically collected by state agency)

CHAPTER 11. PRELIMINARY DRAFTS AND SIMILAR MATERIALS

Material to include:

- The substance of Gov't Code § 6254(a) (preliminary drafts, notes, or memoranda)

CHAPTER 12. PRIVATE INDUSTRY

Material to include:

The substance of Gov't Code § 6254.6 (identity of private industry employer obtained in conjunction with collection of private industry wage data)

The substance of Gov't Code § 6254.15 (records relating to siting of private company)

CHAPTER 13. PRIVATE RECORDS, PRIVILEGED MATERIALS, AND OTHER RECORDS PROTECTED BY LAW FROM DISCLOSURE

Material to include:

The substance of Gov't Code § 6254(c) (personnel records, medical files, and other private records)

The substance of Gov't Code § 6254(k) (privileged materials and other records protected by law)

CHAPTER 14. PUBLIC EMPLOYEE OR OFFICIAL

Material to include (may divide into several articles):

The substance of Gov't Code § 6254(l) (correspondence of or to Governor or Governor's staff)

The substance of Gov't Code § 6254(m) (records of Legislative Counsel)

The substance of Gov't Code § 6254(p) (records reflecting state agency's views on employee relations and related matters)

The substance of Gov't Code § 6254.3 (personal information of agency employee)

The substance of Gov't Code § 6254.8 (agency employment contracts)

The substance of Gov't Code § 6254.21 (online posting or sale of personal information of elected or appointed official), except possibly the definitions of "publicly post," "publicly display," and "elected or appointed official"

The substance of Gov't Code § 6268 (archiving and disclosure of Governor's public records)

The substance of Gov't Code § 6268.5 (appraisal and management of Governor's public records by Secretary of State)

CHAPTER 15. PUBLIC ENTITY SPENDING, FINANCES, AND OVERSIGHT

Material to include:

The substance of Gov't Code § 6253.31 (access to agency contract requiring private entity to review, audit, or report on that agency)

The substance of Gov't Code § 6254(h) (documents relating to acquisition of property by state or local agency)

The substance of Gov't Code § 6254.26 (records relating to alternative investments of public investment funds), except possibly the definitions of "alternative investment," "alternative investment vehicle," "portfolio positions," and "public investment fund"

The substance of Gov't Code § 6254.33 (unique vendor, contractor, or affiliate identifying information)

The substance of Gov't Code § 6261 (itemized statement of agency's total expenditures and disbursement)

CHAPTER 16. REGULATION OF FINANCIAL INSTITUTIONS AND SECURITIES

Material to include:

The substance of Gov't Code § 6254(d) (records of state agency that regulates or supervises financial institutions or issuance of securities)

The substance of Gov't Code § 6254.12 (disciplinary records made available to Department of Business Oversight through computer system)

CHAPTER 17. SECURITY MEASURES AND RELATED MATTERS

Material to include:

The substance of Gov't Code § 6254(aa) (assessment of vulnerability to terrorist attack or other criminal acts)

The substance of Gov't Code § 6254(ab) (critical infrastructure information voluntarily submitted to Office of Emergency Services), except possibly the definition of "voluntarily submitted"

The substance of Gov't Code § 6254.19 (information security record)

The substance of Gov't Code § 6254.23 (risk assessment or infrastructure protection program)

CHAPTER 18. STATE COMPENSATION INSURANCE FUND

Material to include:

The substance of Gov't Code § 6254(ad) (records of State Compensation Insurance Fund), except possibly the definition of "fully executed"

CHAPTER 19. TEST MATERIALS, TEST RESULTS, AND
RELATED MATTERS

Material to include:

The substance of Gov't Code § 6254(g) (test materials)

The substance of Gov't Code § 6254.1(c) (DMV test in study of physical or mental factors affecting driving ability)

The substance of Gov't Code § 6254.13 (disclosure of Dep't of Education examination questions to legislative or executive branch)

PART 6. OTHER EXEMPTIONS FROM
DISCLOSURE

Material to include:

The substance of "Article 2. Other Exemptions From Disclosure" of "Chapter 3.5. Inspection of Public Records" of "Division 7. Miscellaneous" of "Title 1. General" of the Gov't Code (i.e., Gov't Code §§ 6275-6276.48, which is the current CPRA catalog of exemptions from disclosure)

Note. The Commission has not yet resolved how to handle "Article 2. Other Exemptions From Disclosure" (Gov't Code §§ 6275-6276.48) in recodifying the CPRA. **The Commission welcomes comments on any aspect of this proposed outline, but comments on this point would be especially helpful.**